IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CM No.6667 of 2006
CWP No.9383 of 2001 (O&M)

DATE OF DECISION: 25 .5.2007

Gopal Krishan Sharma and others ...Petitioners

VERSUS

State of Haryana and others ...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Rajinder Goyal, Advocate for the petitioners

Mr.K.S.Godara, DAG, Haryana

Mr.Sandeep Goyal, Advocate for
Mr.Jagdish Manchanda, Advocate
for respondent no.3.

Permod Kohli,J. (Oral)

It is agreed to by the learned counsel for the parties that the controversy involved in the present writ petition is squarely covered by a Division Bench judgment of this Court rendered in

the case of **Ram Chander and others Versus State of Haryana and others (2004 (2) SLR 655** wherein the communication impugned in the present case was also under challenge. In the aforesaid judgment, the Division Bench of this Court passed the following order:-

> "11.Accordingly, we allow the present writ petition and quash the stipulation contained in the communication dated January 7, 2000 (Annexure P-8), whereby it has been provided that no arrears benefit on account of notional fixation of pay in the revised scales/ACP scales w.e.f. January 1, 1996 to March 31, 1999 would be given to the employees. As a result of the aforesaid quashing of the aforesaid stipulation, it is made clear that the petitioners would be entitled to claim the arrears of the aforesaid revised pay scales w.e.f. January 1, 1996. The respondents are further directed to carry out the aforesaid directions and implement the judgment within a period of six months from the date of certified copy of this order is received. There shall be no order, as to costs."

The aforesaid directions shall apply to the case of the present petitioners. Respondent no.3- Municipal Council, Karnal has filed an affidavit which is marked as "X" and is taken on record. In the aforesaid affidavit, it is stated that the benefit accruing to the petitioners under the aforesaid judgment has already been disbursed which fact is disputed by the counsel for the petitioners. Suffice it

to say that all the benefits in terms of the aforesaid judgment will be paid to the petitioners, if not already paid.

(PERMOD KOHLI)
JUDGE

25 .5.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES/NO